

## Message Text

CONFIDENTIAL

PAGE 01 NAIROB 05295 252133Z

44

ACTION AF-04

INFO OCT-01 SS-14 ISO-00 NSC-07 NSCE-00 L-02 H-01 SCS-01

SCA-01 COME-00 INT-01 CIAE-00 INR-10 NSAE-00 RSC-01

EB-03 PRS-01 USIE-00 SSO-00 INRE-00 DRC-01 /048 W

----- 026601

O 251413Z JUN 74

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 7749

C O N F I D E N T I A L NAIROBI 5295

LIMDIS

E.O.: 11652: GDS

TAGS: BDIS, CPRS, KE, US

SUBJ: KENYA GOVERNMENT EXPELS U.S. MINE OWNER

REF: STATE 135536

1. ON RECEIPT REFTEL, I REQUESTED APPOINTMENT TO SEE FOREIGN MINISTER MUNGAI TO REITERATE AMBASSADOR MARSHALL'S POINTS MADE TO HIM ON SATURDAY AND TO STRESS URGENCY OF SITUATION. UNFORTUNATELY, BUT NOT SURPRISINGLY, I HAVE THUS FAR BEEN UNABLE TO SEE HIM AND HAVE SUCCEEDED IN GETTING ONLY A "NO NEWS" RESPONSE VIA HIS SECRETARY. HAVE JUST NOW LEARNED THAT MUNGAI HAS INVITED MRS. SAUL AND SAUL'S PARTNER, MILLER, TO DINNER AT HIS HOUSE TONIGHT TO DISCUSS POSSIBLE PERSONAL BUSINESS ARRANGEMENTS. DEPENDING ON WHAT, IF ANY, DEAL MUNGAI MAKES TONIGHT, PERHAPS WE CAN HOPE FOR SOME SORT OF "NEWS" ON DIPLOMATIC PLANE TOMORROW OR NEXT DAY.

2. I MET FOR FIRST TIME WITH MILLER (SAUL'S PARTNER) YESTERDAY AND LEARNED THAT THERE IS FRANTIC SCRAMBLE BY CRTICOS GROUP (REPRESENTING KENYATTA FAMILY INTERESTS) TAKING PLACE AT SITE OF NGANGA CLAIM, WHICH IS LEGALLY REGISTERED IN SAUL'S NAME. (WE HAVE COPY OF REGISTRATION DOCUMENT.) NOT CLEAR ON BASIS OF PRESENT REPORTS WHETHER CRTICOS ATTEMPTING TO OVERPEG  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 NAIROB 05295 252133Z

NGANGA DESPITE SAUL'S LEGAL RIGHTS OR WHETHER CRTICOS MEN SIMPLY

ATTEMPTING TO TAKE ALL RUBIES OUT OF MINE BEFORE THEY ARE STOPPED. MILLER HAS EMPLOYED NAIROBI LAWYER WHO IS CONVINCED SAUL'S LEGAL RIGHT TO NGANGA IS IRREFUTABLE AND IS SENDING INVESTIGATOR DOWN TO SEE WHAT IS REALLY HAPPENING AT MINE SITE. IF CRITICOS GROUP IS INDEED ILLEGALLY REMOVING RUBIES, HE WILL SEEK IMMEDIATE COURT INJUNCTION. LAWYER, WHO HAS HANDLED SIMILAR CASES IN PAST FEELS THERE IS REASONABLE CHANCE THAT HE CAN STOP ILLEGAL ACTIVITIES AT MINE SITE DESPITE UNDERLYING BACKING OF HIGHLY PLACED PERSON IN GOK.

3. ALTHOUGH IT IS STILL NOT CLEAR PRECISELY WHAT TRIGGERED SAUL'S EXPULSION, SAUL'S PARTNER BELIEVES IT WAS BASICALLY DUE TO SAUL'S FAILURE TO CONSIDER JOINING FORCES INITIALLY WITH "LONG TEETH" (KIKUYU FOR BIGSHOTS) SUCH AS PRESIDENT KENYATTA AND HIS RELATIVES. FEAR ON PART OF THIS GROUP THAT SAUL WAS ABOUT TO SHARE DISPROPORTIONATE AMOUNT OF WEALTH WITH "SEVEN DWARFS" (VICE PRESIDENT MOI, AND VARIOUS COASTAL POLITICIANS WHO WERE TO HAVE BEEN ASSOCIATES IN ORIGINAL CORPORATION) MAY HAVE BEEN REASON FOR HIS EXPULSION. AS MATTERS NOW STAND "SEVEN DWARFS" SEEM TO HAVE BEEN LEFT WITH NOTHING AS SAUL HAD NOT SIGNED OVER HIS RIGHTS TO NGANGA. (MRS. SAUL IS IN POSSESSION OF BLANK NGANGA TRANSFER DOCUMENT SIGNED BY JOHN SAUL BEFORE HE LEFT WHICH COULD PRESUMABLY BE TURNED OVER TO OTHER KENYANS.)

4. RE JOHN SAUL'S POSSIBLE RELEASE OF FULL STORY TO DAVID OTTAWAY OF WASHINGTON POST (PER REFTTEL), MILLER HAS PHONED SAUL IN EUROPE AND DISSUADED HIM FROM RELEASING STORY AT THIS TIME. SAUL, HOWEVER, HAS REPORTEDLY PROMISED OTTAWAY EXCLUSIVE IN EVENT HE SUBSEQUENTLY DECIDES TO BREAK STORY.

5. RE SAUL SR.'S RECOMMENDATION THAT EMBASSY APPROACH KENYATTA, AMBASSADOR MARSHALL AND I ARE OF OPINION THAT PREMATURE DIRECT APPROACH TO KENYATTA COULD PROVOKE CONFRONTATION WHICH WOULD BE DAMAGING NOT ONLY TO SAUL'S PERSONAL INTERESTS BUT TO US/KENYA RELATIONS AS WELL IN VIEW OF HIGH DEGREE PERSONAL INVOLVEMENT KENYATTA FAMILY. BELIEVE BEST STRATEGY FOR MOMENT IS FOR EMBASSY TO MAINTAIN PRESSURE AT VARIOUS POINTS IN GOVERNMENT BELOW KENYATTA (E.G. MUNGAI, MOI, PERHAPS NJONJO) IN HOPES MESSAGE OF OFFICIAL U.S. DISPLEASURE WILL GET THROUGH INDIRECTLY TO KENYATTA. AT SAME TIME VIGOROUS PRIVATE LEGAL ACTION ON BEHALF OF SAUL

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NAIROB 05295 252133Z

COULD ALSO ENCOURAGE KENYATTA FAMILY TO BACK OFF WITHOUT LOSING FACE. IF THIS STRATEGY FAILS, WE WILL PROBABLY HAVE TO CONSIDER AN APPROACH AT HIGHEST LEVEL. I HAVE IN ANY EVENT SECURED FIRM APPOINTMENT FOR AMBASSADOR MARSHALL TO SEE VICE PRESIDENT MOI ON FRIDAY MORNING. IN INTERIM I WILL CONTINUE TO BADGER MUNGAI'S OFFICE FOR APPOINTMENT.

LINDSTROM

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXPULSION, MINING  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 JUN 1974  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CollinP0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974NAIROB05295  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D740167-0401  
**From:** NAIROBI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740616/aaaaanilh.tel  
**Line Count:** 115  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION AF  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** STATE 135536  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CollinP0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 AUG 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <29 AUG 2002 by shawdg>; APPROVED <21 FEB 2003 by CollinP0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** KENYA GOVERNMENT EXPELS U.S. MINE OWNER  
**TAGS:** BDIS, CPRS, ELAB, PINS, KE, US, (SAUL, JOHN M)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005